

78B-13-311 Writ to take physical custody of child.

- (1) Upon the filing of a petition seeking enforcement of a child custody determination, the petitioner may file a verified application for the issuance of a writ of assistance to take physical custody of the child if the child is likely to suffer serious imminent physical harm or removal from this state.
- (2) If the court, upon the testimony of the petitioner or other witness, finds that the child is likely to suffer serious imminent physical harm or be imminently removed from this state, it may issue a writ of assistance to take physical custody of the child. The petition shall be heard within 72 hours after the writ is executed. The writ shall include the statements required by Subsection 78B-13-308(2).
- (3) A writ to take physical custody of a child shall:
 - (a) recite the facts upon which a conclusion of serious imminent physical harm or removal from the jurisdiction is based;
 - (b) direct law enforcement officers to take physical custody of the child immediately; and
 - (c) provide for the placement of the child pending final relief.
- (4) The respondent shall be served with the petition, writ, and order immediately after the child is taken into physical custody.
- (5) A writ of assistance to take physical custody of a child is enforceable throughout this state. If the court finds on the basis of the testimony of the petitioner or other witness that a less intrusive remedy is not effective, it may authorize law enforcement officers to enter private property to take physical custody of the child. If required by the exigency of the case, the court may authorize law enforcement officers to make a forcible entry at any hour.
- (6) The court may impose conditions upon placement of a child to ensure the appearance of the child and the child's custodian.

Renumbered and Amended by Chapter 3, 2008 General Session